

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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|-----------------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, ex rel. | : |                                |
| AKIVA TESSLER and FELIX GONZALEZ  | : |                                |
|                                   | : |                                |
| Plaintiff,                        | : |                                |
|                                   | : | Civ. Action No. 14-cv-6455-JMF |
| -against-                         | : |                                |
|                                   | : |                                |
| THE CITY OF NEW YORK,             | : |                                |
|                                   | : |                                |
| Defendant.                        | : |                                |

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**NOTICE OF DEFENDANT'S MOTION TO DISMISS THE FIRST AMENDED  
COMPLAINT**

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of Defendant's Motion to Dismiss the First Amended Complaint, dated December 11, 2015, and upon all of the papers and pleadings filed in these actions, Defendant City of New York by and through its undersigned counsel, moves this Court, before the Honorable Jesse M. Furman, United States District Judge for the Southern District of New York, at the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, NY 10007, for an order dismissing all claims in the First Amended Complaint against Defendant pursuant to Rule 9(b) and Rule 12(b)(6) of the Federal Rules of Civil Procedure. The basis for the motion is set forth in the accompanying Memorandum of Law. Defendant respectfully requests oral argument on the motion in the accompanying letter request, filed today.

Dated: New York, New York  
December 11, 2015

Respectfully submitted,

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